

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO: 04 11572 JLT

SUSAN COONEY,)
Plaintiff,)
)
v.)
)
HUMANISTIC PSYCHOLOGY)
INSTITUTE, d.b.a. SAYBROOK)
INSTITUTE and MAUREEN O'HARA,)
Individually,)
Defendants.)

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO
FED. R. CIV. P. 12(b)(6)¹**

Defendants, Humanistic Psychology Institute d.b.a. Saybrook Institute ("Saybrook Institute") and Maureen O'Hara, pursuant to Fed. R. Civ. P. 12(b)(6), move the Court to dismiss Plaintiff, Susan Cooney's Complaint in its entirety. As grounds for this Motion, Saybrook Institute and O'Hara state that the plaintiff has not stated a viable claim against them because she has failed to assert sufficient factual allegations to support each material element necessary for her to obtain a recovery against either defendant.

As set forth in the attached Memorandum of Law, dismissal is warranted for two reasons. First, the plaintiff has failed to state a viable claim against Saybrook Institute for denial of due process, as there is no claim of state action. Second, this case is premature as the plaintiff has yet to apply for, and thus yet to be officially denied, a license from the Massachusetts Board of Registration of Psychologists. Cooney is therefore unable to state more than speculative

¹ Defendants acknowledge that on August 3, 2004, it filed Defendant Maureen O'Hara's Motion to Dismiss, or Alternatively Transfer, and Defendant Humanistic Psychology Institute's Motion to Transfer. Such Motion, which is currently before the Court, is based on Fed. R. Civ. P. 12(b)(2) and 12(b)(3), as well as 28 U.S.C. §§ 1404 and 1406.

allegations of damage. Consequently, pursuant to Fed. R. Civ. P. 12(b)(6), Saybrook Institute and O'Hara move the Court to dismiss the Complaint in its entirety.

Respectfully Submitted By,

Counsel for Defendants,
HUMANISTIC PSYCHOLOGY INSTITUTE,
d.b.a. SAYBROOK INSTITUTE
and MAUREEN O'HARA

/s/Michael F. Aylward

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Date: September 21, 2004